

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

REALTIME DATA, LLC d/b/a IXO	)	
	)	
Plaintiff,	)	Case No. 1:11-cv-6696-KBF
	)	1:11-cv-6701-KBF
vs.	)	1:11-cv-6704-KBF
	)	
MORGAN STANLEY, ET AL.,	)	
	)	JURY TRIAL DEMANDED
Defendants.	)	
	)	
	)	

**NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT OF INVALIDITY OF  
THE PATENTS-IN-SUIT FOR FAILURE TO SATISFY THE DEFINITENESS AND  
WRITTEN DESCRIPTION REQUIREMENTS OF 35 U.S.C. § 112**

PLEASE TAKE NOTICE that Defendants BNY ConvergeEx Group LLC, BNY ConvergeEx Execution Solutions LLC, Credit Suisse Holdings (USA), Inc., Credit Suisse Securities (USA) LLC, The Goldman Sachs Group, Inc., Goldman, Sachs & Co., Goldman Sachs Execution & Clearing, L.P., HSBC Bank USA, N.A., HSBC Securities (USA), Inc., J.P. Morgan Chase & Co., J.P. Morgan Securities, Inc., J.P. Morgan Clearing Corp., Morgan Stanley, and Morgan Stanley & Co, Incorporated (collectively, the “Bank Defendants”) hereby move this Court on April 4, 2012, to grant partial summary judgment for invalidity of the patents-in-suit for failure to satisfy the definiteness and written description requirements of 35 U.S.C. § 112 in the above-referenced cases.

This Motion is made pursuant to Federal Rule of Civil Procedure 56, 28 U.S.C. § 2072 and is based upon this Notice, the Brief in support of this motion, the 56.1 Statement of Facts,

the Declaration of Dr. James Storer, the Declaration of Nicole E. Feit, and any and all other evidence presented respecting this Motion.

Dated: April 4, 2012

Respectfully submitted,

By: /s/ Gregory H. Lantier

Gregory H. Lantier  
WILMER CUTLER PICKERING HALE AND DORR  
LLP  
1875 Pennsylvania Ave., N.W.  
Washington, DC 20006  
Phone: (202) 663-6327  
Fax: (202) 663-6363  
Gregory.Lantier@wilmerhale.com

William F. Lee  
Mark G. Matuschak  
WILMER CUTLER PICKERING HALE AND DORR  
LLP  
60 State Street  
Boston, MA 02109  
Phone: (617) 526-5000  
Fax: (617) 526-6000  
William.Lee@wilmerhale.com  
Mark.Matushak@wilmerhale.com

***Attorneys for Credit Suisse Holdings (USA),  
Inc. and Credit Suisse Securities (USA), LLC***

/s/ Daniel A. DeVito (with permission)

Daniel A. DeVito  
SKADDEN ARPS SLATE MEAGHER & FLOM LLP  
Four Times Square  
New York, NY 10036  
Tel: (212) 735-3000  
Fax: (917) 777-3210  
Daniel.DeVito@skadden.com

Matthew D. Buchanan  
Gareth DeWalt  
SKADDEN ARPS SLATE MEAGHER & FLOM LLP  
525 University Avenue, Suite 1100  
Palo Alto, CA 94301

Phone: 650-470-4500  
Fax: 650-470-4570  
matthew.buchanan@skadden.com  
gareth.dewalt@skadden.com

***Attorneys for Defendants Morgan Stanley,  
Morgan Stanley & Co. Incorporated, J.P.  
Morgan Chase & Co., J.P. Morgan  
Securities, Inc., J.P. Morgan Clearing Corp.,  
The Goldman Sachs Group, Inc., Goldman,  
Sachs & Co., and Goldman Sachs Execution  
& Clearing, L.P.***

By: /s/ Gregory T. Casamento (with  
permission)

Edwin R. DeYoung  
Roger Brian Cowie  
Roy W. Hardin  
M. Scott Fuller  
Galyn Gafford  
LOCKE LORD LLP  
2200 Ross Avenue, Suite 2200  
Dallas, Texas 75201-6776  
Telephone: (214) 740-8000  
Facsimile: (214) 740-8800

Gregory T. Casamento  
LOCKE LORD LLP  
Three World Financial Center  
New York, New York 10281-2101  
Phone: (212) 415-8600  
Fax: (212) 303-2754

***Attorneys for Defendants HSBC Bank USA,  
N.A.  
and HSBC Securities (USA), Inc.***

By: /s/ Steven Cherny (with permission)

Steven Cherny  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
Phone: 212-446-4965  
Fax: 212-446-4900  
steven.cherny@kirkland.com

Amanda Hollis  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Phone: 312-862-2011  
Fax: 312-862-2200  
amanda.hollis@kirkland.com

***Attorneys for Defendants BNY ConvergeX  
Group, LLC and BNY ConvergeX Execution  
Solutions, LLC***

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of April, 2012 a true and correct copy of the foregoing document was served electronically on all counsel of record.

/s/ Gregory H. Lantier  
Gregory H. Lantier